

REMARKS

Claims 1-6, 8-14, 16, 20-23, 49-52, 66-68, 74-100, and 121-127 were pending. With this amendment, claims 66-68, 98-100 and 127 have been cancelled without prejudice. Applicants reserve the right to prosecute the subject matter of cancelled claims 66-68, 98-100, and 127 in one or more continuing applications. With this amendment, claims 123 and 126 have been amended to correct for antecedent basis. Further, with this amendment, claims 2, 4-5, 8-9, 11-13, 16, 20-23, 49, 81-83, 85, 87, 89, 91, 95, 122-123, and 125-126 have been amended for clarity. Furthermore, claim 1 has been amended to include the clause “(g) outputting a property of all or a portion of the variants in said variant set to a user, a display, or other output device.” This amendment to claim 1 is supported by Figure 1, as well as page 14, lines 6-7 and 16-17, and page 16, line 27, through page 17, line 5, of the specification. Therefore, no new matter has been added by way of these amendments. Upon entry of the present amendment, claims 1-6, 8-14, 16, 20-23, 49-52, 74-97, and 121-126 will be pending.

In the Office Action mailed April 7, 2008, the Examiner has imposed a Restriction Requirement requiring election of one of the following seven groups of claims:

- I: claims 1-6, 8-14, 16, 20-23, 49-52, 74-97, and 121-126, drawn to a method for constructing a variant set for an antibody;
- II: claim 66, drawn to nucleic acids encoding antibodies from a variant set;
- III: claim 67, drawn to antibodies from the variant set;
- IV: claim 68, drawn to cells containing nucleic acids encoding antibodies from the variant set;
- V: claims 98-99, drawn to a method of treatment of diseases caused by pathogenic organisms;
- VI: claim 100, drawn to a method of treatment of disease caused by cancer; and
- VII: claim 127, drawn to computer software.

The Examiner contends that the above groups are distinct, each from the other. In response, Applicants hereby elect, without traverse, Group I, claims 1-6, 8-14, 16, 20-23, 49-52, 74-97, and 121-126, drawn to a method for constructing a variant set for an antibody.

The Examiner has further imposed the following species elections in the event that Applicants elect Group I:

A Rule for step a), selected from those listed in claim 6;
 B A descriptor of first value, selected from i), ii), or iii) from claim 8;
 C A modeling step d), selected from those in claims 11 and 12;
 D A further step in e), selected from those in claims 13, 16, and 20;
 E A property measuring step, from those in claims 81, 82, 85, 87, 89, and 93;
 F Type of further step performed in addition to the steps of claim 1, selected from the following: addressed in claims 2, 3, or addressed in claim 4, or addressed in claims 13-16, 20, 21, or addressed in claim 21, or addressed in claim 22, or addressed in claim 23.

Applicants hereby provisionally elect, with traverse, for species requirement A, (ii) a physico-chemical property of an amino acid at a position within a plurality of antibody sequences as set forth in claim 6. Claims 1-6, 8-14, 16, 20-23, 49-52, 74-97, and 121-126, are believed to be readable upon this elected species. Claims 1-5, 8-14, 16, 20-23, 49-52, 74-97, and 121-126 are believed to be generic to this elected species.

Applicants hereby provisionally elect, with traverse, for species requirement B, (i) a substitution at a position in said plurality of positions represented by all or said portion of the variants in said variant set as set forth in claim 8. Claims 1-6, 8-14, 16, 20-23, 49-52, 74-97, and 121-126 are believed to be readable upon this elected species. Claims 1-6, 9-14, 16, 20-23, 49-52, 74-97, and 121-126 are believed to be generic to this elected species.

Applicants hereby provisionally elect, with traverse, for species requirement C, computation of a generalized additive model as set forth in claim 11. Claims 1-6, 8-11, 13-14, 16, 20-23, 49-52, 74-97, and 121-126 are believed to be readable upon this elected species. Claims 1-6, 8-10, 13-14, 16, 20-23, 49-52, 74-97, and 121-126 are believed to be generic to this elected species.

Applicants hereby provisionally elect, with traverse, for species requirement D, the redefining step as further recited in claim 13. Claims 1-6, 8-14, 21-23, 49-52, 74-97, and 121-126 are believed to be readable upon this elected species. Claims 1-6, 8-14, 21-23, 49-52, 74-97, and 121-126 are believed to be generic to this elected species.

Applicants hereby provisionally elect, with traverse, for species requirement E, the property measuring step recited in claim 89. Claims 1-6, 8-14, 16, 20-23, 49-52, 74-80, 89-90, and 121-126 are believed to be readable upon this elected species. Claims 1-6, 8-14, 16, 20-23, 49-52, 74-80, and 121-126 are believed to be generic to this elected species.

Applicants hereby provisionally elect, with traverse, for species requirement F, the additional steps recited in claim 2. Claims 1-3, 5-6, 8-14, 16, 20-23, 49-52, 74-97, and 121-126

are believed to be readable upon this elected species. Claims 1, 3, 5-6, 8-14, 16, 20-23, 49-52, 74-97, and 121-126 are believed to be generic to this elected species.

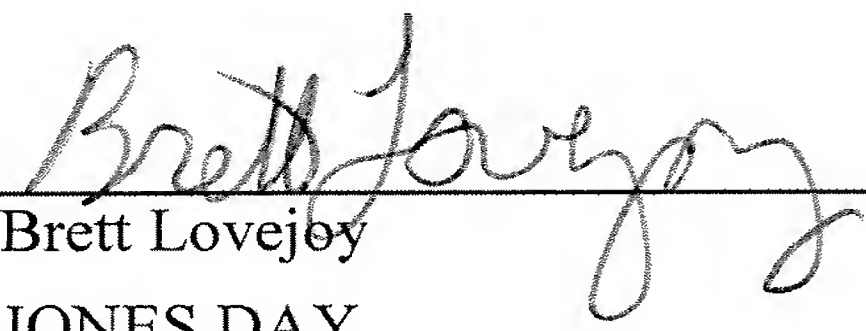
Applicants respectfully request that the above-mentioned amendments and remarks be entered and made of record in the file history of the subject application.

CONCLUSION

Applicants respectfully request entry of the foregoing amendments and remarks into the file of the above-identified application. If any fees are due in connection with this submission, please charge the required fee to Jones Day Deposit Account No. 50-3013.

Respectfully submitted,

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